IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:	Confirmation No. 3935
Dimitris NAKOS et al.	Group Art Unit No.: 2172
Serial No.: 09/945,438	Examiner: Shahid Al ALAM
Filed: August 31, 2001	

For: TECHNIQUES FOR MANAGING A DATABASE SYSTEM INCLUDING ONE
       OR MORE DATABASE SERVERS

REPLY BRIEF UNDER 37 CFR § 1.193(b)(1)

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Hon. Commissioner of Patents
P. O. Box 1450
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Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Answer mailed March 9, 2004, the
shortened statutory period for which runs until May 9, 2004.

REMARKS

In the Examiner's Answer, the Examiner contends that U.S. Patent No. 6,240,416 to Immon et al. ("Immon") discloses that an administrator can use workstation 702 to manage source 701 by altering metadata that was loaded from source 701. However, even if Immon discloses this, Immon still fails to teach or suggest that the metadata comprises "operational parameters of said at least two layers" where "said at least two layers" are "at least two of the following layers in the database system: a database application layer, a database server layer, an operating system layer, and a hardware layer."

On page 14 of the Examiner's Answer, the Examiner alleges that col. 6, line 32 through col. 7, line 22 of Immon suggest that the metadata is used in configuring at least two "computing system levels." However, the cited text does not indicate or suggest that two "computing system levels" means the same as two layers of "a database application layer, a database server layer, an operating system layer, and a hardware layer". Nor does the Examiner even attempt to identify which of the two layers the metadata allegedly would be used to configure.

The Examiner apparently cites this section of Immon to support the propositions that "Immon is aware of the I/O cost of OLTP" and that "Immon is also aware of processing in a data warehouse or DSS." However, even if Immon is "aware" of these matters, Immon still fails to teach or suggest that the metadata comprises "operational parameters of said at least two layers" where "said at least two layers" are "at least two of the following layers in the database system: a database application layer, a database server layer, an operating system layer, and a hardware layer." It does not follow, merely from Immon being "aware" of "the I/O cost of OLTP" and "processing in a data warehouse or DSS" that the metadata comprises operational parameters of at least two of the database system layers recited in Claim 1.
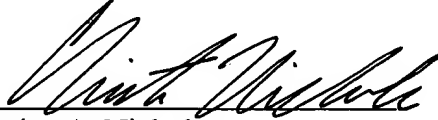
Thus, the Examiner has not expressed any valid argument to contradict the Applicant's assertion in the Applicant's Appeal Brief that Immon fails to teach or suggest "interacting with a user interface provided by said integrated management module to change operational parameters of said at least two layers" where "said at least two layers" are "at least two of the following layers in the database system: a database application

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layer, a database server layer, an operating system layer, and a hardware layer."

Therefore, Appellants respectfully submit that the imposed rejections are **not** viable, and respectfully solicit the Honorable Board to **reverse** each of the imposed rejections.

Respectfully submitted,

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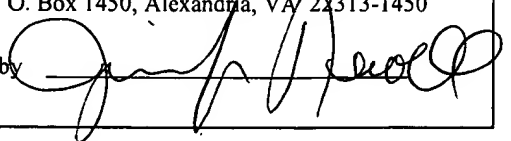**Date: May 10, 2004**
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on May 10 2004 by

Docket No. 50277-1787 (OID 2001-150-01)

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TRANSMITTAL OF REPLY BRIEF

Sir:

Submitted herewith in triplicate is Appellant's Reply Brief in response to Examiner's

Answer mailed on March 9, 2004. The Commissioner is hereby authorized to charge any

shortages in fees to Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Date: May 10, 2004

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